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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,527	11/19/2001	Alan F Savicki	492.188	6088
27023	7590	07/14/2006	EXAMINER	
THE GLAD PRODUCTS COMPANY 1221 BROADWAY #2344 OAKLAND, CA 94623-1305			MENEZES, MARCUS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/979,527

Applicant(s)

SAVICKI, ALAN F

Examiner

Marcus Menezes

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 15-19, 44-48, 60-62 and 73-77 is/are allowed.
- 6) ☒ Claim(s) 22-25, 28, 29, 31-33, 51-53, 57, 58, 80, 81, 83, 86, 87 and 93-107 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 2-4, 15-19, 22-25, 28, 29, 31-33, 44-48, 51-53, 57, 58, 60-62, 73-77, 80, 81, 83, 86, 87 and 93-107.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 1, 5-14, 20, 21, 26, 27, 30, 34-43, 49, 50, 54-56, 59, 63-72, 78, 79, 82, 84, 85 and 88-92.

DETAILED ACTION

1. Examiner apologizes for stating in the previous office action that claim 53 was both rejected and allowable. Further, Examiner apologizes for incorrectly stating in the previous office action that claims 22,29,51,58,80 and 86 were allowable if rewritten in independent form. However, Applicant should note that this does not constitute a final office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-25,28,29,32-33,51-53,57-58,80,81,83,86,87 and 93-107 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Herrington et al (US Patent No. 5,189,764, hereinafter "Herrington").

Herrington discloses a pair of complementary sheet (12,13) with two ends and with interlocking fastening strips (14,15) disposed along the edge portions of the two sheets; and a slider member (10) movably installed upon the interlocking fastening strips, the slider member facilitating the occlusion of the interlocking fastening strips when moved towards the first end thereof, the slider member having a pair of spaced-apart side walls (21,22) which are positioned on opposite sides of the interlocking fastening strips, an intermediate body portion (20) between the side walls which is positioned upon the interlocking fastening strips, and two notches (21n,22n) formed in

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the intermediate body portion which is adapted to engage a cooperating protrusion (15p,14p) formed on one of the interlocking fastening strips at the first end thereof to obstruct movement of the slider member beyond said first end. (See col. 4, lines 32-36). Further, the protrusion is substantially planar with a generally wedge-shaped configuration (see fig. 2) and has a pair of opposed exterior sides and an edge portion there-between, wherein the edge portion of the protrusion is inclined and sloping upwardly and outwardly with respect to the interlocking fastening strip. (See fig. 1). Note, without a point(s) of reference, the protrusion is inclined relative to almost anything. In this case, if the fastener strip is placed flat on a surface, then the protrusion will be inclined with respect to the strip. Herrington further discloses that the opposed exterior sides of the protrusion are substantially parallel with respect to each other, are generally triangular in configuration, and flare outwardly with respect to each other and the interlocking fastening strip.

Note, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington.

Herrington discloses a second notch, however fails to place it at the second end of the fastening strips. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the second notch at the second end of the interlocking fastener strips, since it has been held that mere duplication of parts of the essential working parts of a device involves only routine skill in the art.

Allowable Subject Matter

6. Claims 2-4,15-19,44-48,60-62 and 73-77 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes

Examiner

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MM


ROBERT J. SANDY
PRIMARY EXAMINER